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In re Application of :
SCHMITKONS, James, W., et al. :
U.S. Application No.:10/088,464 :
PCT No.: PCT/US00/25282 :
International Filing Date: 15 September 2000 :
Priority Date: 20 September 1999 :
Attorney's Docket No.: NOR-951A :
For: APPARATUS AND METHOD FOR :
GENERATING ULTRAVIOLET RADIATION :

DECISION

This decision is in response to the "Request For Corrected Filing Receipt" filed 10 June 2002 and resubmitted on 05 September 2003. Included in the submission is a request to correct the 35 U.S.C. 371 date from 18 March 2002 to 19 March 2002, the date on which the application materials were purportedly deposited as "Express Mail" with the USPS. The filing date portion of the present submission is treated herein as a petition under 37 CFR 1.10. No petition fee is required.

BACKGROUND

On 21 May 2002, the DO/EO/US mailed in the above-captioned application a "Notification Of Acceptance Of Application Under 35 U.S.C. 371 And 37 CFR 1.494 Or 1.495" identifying 18 March 2002 as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Receipt Of All 35 U.S.C. Requirements."

On 24 May 2002, the USPTO issued applicant a filing receipt identifying 19 March 2002 as the filing date. The filing receipt also indicated that the application included 2 sheets of drawings and 11 claims.

On 10 June 2002, applicant filed the submission considered herein (the materials were resubmitted on 05 September 2003). As noted above, the submission seeks, in part, to correct the 18 March 2002 filing date assigned to this application.

On 01 October 2003, an Office Action was mailed by this Office which addressed an application containing 11 claims.

DISCUSSION

A review of the present submission and the USPTO's "Express Mail" database confirms that the national stage application materials here were deposited with the USPS as "Express Mail" on 19 March 2002. Accordingly, the 35 U.S.C. 371 date herein is appropriately corrected to 19 March 2002. The Notification Of Acceptance mailed 21 May 2002 and the filing receipt mailed on 24 May 2002, both of which contain the incorrect 18 March 2002 date, are therefore appropriately vacated.

With respect to the number of claims and drawings, a review of the application file confirms applicants' assertion that the present application contains four pages of drawings and 29 claims. Accordingly, these corrections will be incorporated into the revised filing receipt.

Finally, it appears that the Office Action mailed 01 October 2003 was based on an examination of a different specification from the specification of record herein (one of the references accompanying the Information Disclosure Sheet was substituted for the specification of PCT/US00/25282 in the "Application As Filed" section of the application file). Accordingly, the Office Action is appropriately vacated.

CONCLUSION

Applicant's petition under 37 CFR 1.10 is **GRANTED**. The 35 U.S.C. 371 date for this application is corrected to 19 March 2002.

The "Notification Of Acceptance Of Application Under 35 U.S.C. 371 And 37 CFR 1.494 Or 1.495" mailed 21 May 2002, the filing receipt mailed 24 May 2002, and the Office Action mailed 01 October 2003, are hereby **VACATED**.

The application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision, including: (1) mailing a corrected Notification Of Acceptance identifying **19 March 2002** as the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Receipt Of All 35 U.S.C. Requirements;" and (2) issuing a corrected filing receipt identifying **19 March 2002** as the filing date, and indicating that the application includes four pages of drawings and 29 claims; and (3) returning the application to Group Art Unit 2879 for examination of the correct specification..



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